

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**vs.**

**James L. Bennett,**

**Defendant.**

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**Case No. 8:05CR426**

**ORDER**

This matter is before the court on defendant James Bennett's Amended Motion for Drug Addiction Evaluation and Treatment (#20). The motion is denied without hearing.

The proposed plan of release, absent electronic monitoring, was denied by Order (#19) on January 18, 2006 and the addition of electronic monitoring to the proposed plan fails to rebut the presumption of detention under 18 U.S.C. § 3142(e). This is especially true given the defendant's five (5) prior felony convictions.

**IT IS ORDERED:**

1. The defendant's Amended Motion for Drug Addiction Evaluation and Treatment (#20) is denied without hearing.

Dated this 27<sup>th</sup> day of January 2006.

**BY THE COURT:**

S/ F. A. Gossett  
United States Magistrate Judge